

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16398 of New Mount Olive Baptist Church, pursuant to 11 DCMR 3108.1 for a special exception under Section 205 to establish a child development center (basement and lower auditorium) for 40 children, ages 2 to 5 years and 4 staff persons in an R-2 District at premises 710 58th Street, N.E. (Square 5214, Lot 880).

HEARING DATE: December 2, 1998
DECISION DATE: December 2, 1998 (Bench Decision)

SUMMARY ORDER

The Board provided proper and timely notice of public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 7C and to owners of property within 200 feet of the site.

The site of this application is located within the jurisdiction of ANC 7C. ANC 7C, which is automatically a party to this application, submitted a written statement of issues and concerns in support of the application.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception pursuant to 11 DCMR Section 205. No person or entity appearing as a party to this case testified in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3108, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. It is therefore **ORDERED** that this application be **GRANTED, SUBJECT** to the following **CONDITIONS**:

1. The number of children shall not exceed forty (40). The number of employees shall not exceed eight (8), (four teachers and four assistants).
2. The ages of the children shall be two (2) through five (5) years old.

3. The hours and days of operation shall be 7:00 a.m. to 7:00 p.m., Monday through Friday.
4. Drop-off and pick-up of children shall be secured by the applicant.
5. Trash removal shall be carried out on a daily basis.
6. The property shall be kept free from refuse and debris at all times.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case.

VOTE: **3-0** (Betty King, Sheila Cross Reid and Jerry H. Gilreath to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: 
for **SHERI M. PRUITT-WILLIAMS**
Interim Director

Final Date of Order: JAN 22 1999

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR § 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT.

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN

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APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS
FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

SO16398/POH

GOVERNMENT OF THE DISTRICT OF COLUMBIA
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BZA APPLICATION NO.: 16398

As Interim Director of the Office of Zoning, I hereby certify and attest that on JAN 22 1999 a copy of the order entered on that date in this matter before the Board of Zoning Adjustment was mailed first class postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Christopher H. Collins, Esquire
Wilkes, Artis, Hedrick and Lane, Chartered
1666 K Street, NW
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Reverend Luke Mitchell, Jr.
710 58th Street, NE
Washington, D.C. 20019

Mary L. Gaffney, Chairperson
Advisory Neighborhood Commission 7C
4651 Nannie Helen Burroughs Avenue, NE, Suite #2
Washington, D.C. 20019

Attested by: *Tracey W. Rose*
for **SHERI M. PRUITT-WILLIAMS**
Interim Director

Date: JAN 22 1999

Attest/SO 16398/POH